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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------|------------------|
| 10/809,461 | 03/26/2004 | Satoshi Ishii | 826.1932 | 7636 |
| 21171 | 7590 | 01/30/2006 | | |
| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | EXAMINER SOTOMAYOR, JOHN B | |
| | | | ART UNIT 3662 | PAPER NUMBER |

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-------------------|--------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/809,461 | ISHII ET AL. |
| | Examiner | Art Unit |
| | John B. Sotomayor | 3662 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 March 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11MAY04 ; 11AUG04 ; 21NOV05</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

Drawings

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement filed May 11, 2004 has been entered and considered. An initialed copy of the PTO-1449 by the Examiner is attached.

4. The information disclosure statement filed August 11, 2004 has been entered and considered. An initialed copy of the PTO-1449 by the Examiner is attached.

5. The information disclosure statement filed November 21, 2005 has been entered and considered. An initialed copy of the PTO-1449 by the Examiner is attached.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-10 are rejected under 35 U.S.C. 102(a) as being anticipated by Mende et al ('864).

The claims are considered to be met by Mende et al ('864) who disclose radar including, *inter alia*, first and second signals having frequencies which are at least a multiple of each other, a control pulse and a gating unit, a transmitter, a receiver, and processing circuitry. Mende et al disclose that the invention relates to a distance measuring device in which a transmitter part for electromagnetic radiation, in particular radar radiation, emits measurement pulses which are controlled by a pulse generator, and a receiver part is switched, after a specific adjustable delay before the emission of a subsequent measurement pulse, to a ready-to-receive state for the reception of an echo pulse during a time gate (see column 1, lines 15-22).

Mende et al ('864) also disclose a generator 1, a pulse shaper 2, a switch 3 and a transmission antenna 4 form a transmitter part 5. Here, the switch 3 is switched on and off by the pulses of the generator 1 which are present at the output of the pulse shaper 2 so that a high frequency wave which is generated by an oscillator 6 and conducted to the transmission switch 3 via a fork 7 is connected through to the transmission antenna 4 during the pulse duration. A receiver part 8 receives the output signal of the generator 1 via a frequency divider 9. Its output signals are fed to a delay circuit 10 which can be electronically adjusted with a control voltage. Its output pulses activate and deactivate a reception switch 12 via a pulse shaper 11 so that the pulse duration of the output pulse shaped by the pulse shaper 11, of the electronic delay circuit 10 forms a time gate. During the time gate, the high-frequency wave of the oscillator 6 is fed via the fork 7 and the closed switch 12 to an input of a mixer stage 13. An echo signal which is received by a reception antenna 14 is fed to the other input of the mixer stage 13 by means of a changeover switch 15 in its reception position. During a standardization cycle, the changeover switch 15 is switched over so that the second input of the mixer stage 13 is then connected to the input of the transmission antenna 4 via an attenuator 16. The attenuator 16 and the changeover switch 15 then form a short-circuit coupling between the transmitter part 5 and receiver part 8 (see Figure 1; and column 4, line 65 through column 5, line 25).

8. Claims 10-12 are rejected under 35 U.S.C. 102(a) as being anticipated by Tait et al (EP '427).

The claims are considered to be met by Tait et al (EP '427) who disclose a pulse radar apparatus (c.2, 1.29) for detecting a target by transmitting a pulse signal, including, *inter alia*, a pulse transmitting unit (46) arranged to output a transmission pulse signal generated from a signal used as a base for generation of a transmission pulse and a frequency-modulated continuous wave; a control pulse generating unit (42,62) arranged to generate a control pulse signal by delaying the signal used as the base for generation a transmission pulse; and a gate unit (60) arranged to perform a gate operation for a reception signal by using the control pulse signal; a detecting unit arranged to detect an output of said gate unit; a distance calculating unit arranged to calculate a distance to a target by using an output of said detecting unit when said control pulse generating unit changes an amount of delay of the control pulse signal (see Figure 1).

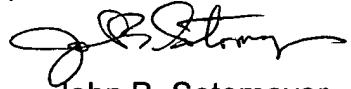
Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior art show various radar systems.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Sotomayor whose telephone number is 571-272-6978. The examiner can normally be reached on Monday to Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom H. Tarcza, can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John B. Sotomayor
Primary Examiner
Art Unit 3662